

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/812539 Confirm. No.: (not yet assigned)
Filing Date: 03/30/2004
Inventor: CHEE, Bill
Title: Protective Case for Use with a Belt Clip
Art Unit: (not yet assigned)
Examiner: (not yet assigned)
Attorney Docket No.: 03124

To: Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL – FOR REASONS OF INFRINGEMENT
Pursuant to 37 C.F.R. § 1.102(d)

Dear Sir:

1. Applicant requests that the above-cited application be made special and advanced out of turn for examination, for reasons of infringement.
2. Applicant filed the above-cited application for patent protection on a protective case for use with a belt clip on March 30, 2004. Since that time a Chinese manufacturer known as "DSI" has begun selling here in the United States a protective case for the PDA Armor iPaq 1900/4100 Series ("the DSI case), which is an aluminum case with a belt clip included.
3. The undersigned has made a rigid comparison of the DSI case with the protective case claimed in the present pending application and found the two protective cases to be structurally identical. In the opinion of the undersigned, some of the claims are unquestionably infringed.

4. A careful and thorough search of the prior art was conducted and Examiner Sakran in Art Unit 3677 was consulted regarding the field of search. The following U.S. classes and subclasses were searched.

Class 24 (Buckles, Buttons, Clasps, Etc.), subclasses 3.12, 105, 111, 114.7, 458, 486, 525, DIG. 60

Class 411 (Expanded, Threaded, Driven, Headed, Tool Deformed, or Locked-Threaded Fasteners), subclasses 179, 180

Class 29 (Metal Working), subclass 432.2

Class 224 (Package and Article Carriers), subclass 197

Class 248 (Supports), subclass 218.4

5. Applicant cited the most closely related prior art references in the Information Disclosure Statement that was filed with the application on March 30, 2004. A discussion of these references follows.

6. **Lehtinen (U.S. Patent 6,059,156; 2000)** discloses an attachment system for attaching a portable apparatus to a belt. A holder is attachable to a belt and a separate connecting member is affixed to the portable apparatus. The holder comprises a plate-like base with a front plate and a locking member. The connecting member has a groove for receiving and holding the locking member of the holder.

7. **Hagino (U.S. Patent 4,718,586; 1988)** discloses a swivel fastening device comprising a case carrying element and a belt carrying element. The belt carrying element comprises two channels, one vertical and the other circular. The case carrying element comprises an enlarged headed post and two spaced apart pins. The enlarged headed post is engageable with the vertical channel on the belt carrying element. The two spaced apart pins are engageable with the circular channel in the belt carrying element, thereby allowing the case carrying element to swivel while attached to the belt carrying element.

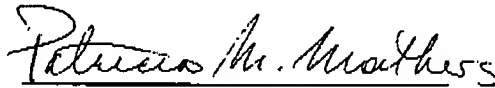
8. **Horton, Jr. et al. (U.S. Patent 4,419,794)** discloses a portable fastening device comprising a female section and a male section. The female section includes a keyhole and slot and the male section a button. The button passes through the slot and through the keyhole. The button has a thickness thinner than the thickness of the slot, and a diameter smaller than the keyhole, thereby allowing the male section to fit into the female section of the fastening device.

9. All of these references disclose temporary fastening means that includes a male part, such as a short post with a head, that fits into a female part, such as a slotted groove. None of them discloses particular features of the claimed invention of the present application, such as the construction of the male part in the case that allows the male part to be easily and quickly removed.

10. Applicant believes that this Petition complies with MPEP § 708.02 II Infringement and, therefore, requests that this petition to make special be granted and the application be advanced out of order for examination.

11. The Commissioner is herewith authorized to deduct the appropriate fee from the deposit account 501517 of the undersigned.

Respectfully submitted,



Date: June 9, 2004

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